

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 3:21CV22
)	
Plaintiff,)	JUDGE JACK ZOUHARY
)	
v.)	
)	MAGISTRATE JUDGE
SHAFFER PHARMACY, INC.; THOMAS)	JONATHAN D. GREENBERG
TADSEN; AND WILSON BUNTON,)	
)	
Defendants.)	

Motion to Excuse Department of Justice Leadership From Settlement Conference

Pursuant to the April 19, 2021 Order Setting Settlement Conference for April 28, 2021 (“Conference Order”), the United States files this Motion to excuse the Director of the Consumer Protection Branch and other Department of Justice leadership from attending the Settlement Conference. The Conference Order requires that “[a] governmental entity shall send a representative authorized to act on its behalf, and to bind the governmental entity up to the value of the plaintiff’s claim and/or defendant’s claim.” Conference order at §A.1. The Conference Order also requires that “[p] arties with ultimate settlement authority must be personally present. Ultimate settlement authority means the authority to settle up to the full amount of the other

sides' demand.” *Id.* The Conference Order also requires notification to the Court and opposing counsel if a party's authority is determined in advance of the settlement conference by a committee, board, or similar body. *Id.*

This is a civil enforcement action brought by the government seeking to address violations of the Controlled Substances Act, 21 U.S.C. *et seq.*, (the “CSA”). The matter is being handled on behalf of the Department of Justice by government attorneys from the United States Attorney's Office for the Northern District of Ohio and the Civil Division's Consumer Protection Branch. The Acting United States Attorney for the Northern District of Ohio and the Director of the Consumer Protection Branch have authorized the attorneys prosecuting this civil enforcement action to propose certain settlement terms. Should additional consultation be necessary, the attorneys attending the Settlement Conference for the United States will be able to reach necessary supervisors within their respective offices by phone at all times.

The United States therefore respectfully requests that the Director of the Consumer Protection Branch and other Department leadership be excused from personally attending the Settlement Conference scheduled for April 28, 2021.

Respectfully submitted,

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